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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, NORTHERN DIVISION

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MARTY J. SEBER and MABLE C. SEBER,  
Plaintiffs,

v.

ARMOND J. HOWELL, DAVID J. HATCH,  
ROBERT H. SCOTT, and JASON T.  
BAKER,  
Defendants.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Case No. 1:14-cv-00140-CW-EJF

Judge Clark Waddoups

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This case was assigned to United States District Court Judge Clark Waddoups, who then referred it to United States Magistrate Judge Evelyn J. Furse pursuant to 28 U.S.C. § 636(b)(1)(B). (*See* Dkt. No. 33.) On January 26, 2015, Judge Furse issued a Report and Recommendation (Dkt. No. 38) recommending that the court (1) dismiss Plaintiffs' Complaint without prejudice pursuant to the *Rooker-Feldman* doctrine or, in the alternative, dismiss Plaintiffs' §§ 1983 and 1985 claims with prejudice as well as decline to exercise supplemental jurisdiction over the remaining state law claims, (2) deny their Motion to Amend (Dkt. Nos. 23, 24, and 26) as futile, (3) deny their Motion for Preliminary Injunction and Restraining Order (Dkt. Nos. 24 & 25), and (4) grant Defendants' Motion to Release Lis Pendens (Dkt. No. 7).


Because Plaintiffs are proceeding *pro se*, Judge Furse liberally construed their filings in her Report and Recommendation. (*See* Rep. & Rec. 1 [Dkt. No. 38].) Similarly the court liberally construes their pleadings in reviewing the Report and Recommendation *de novo*, holding Plaintiffs' filings to a "less stringent standard than formal pleadings drafted by lawyers." *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotations and citation omitted). The court,

however, has not adopted the role of advocate for Plaintiffs and accords Plaintiffs' filings the merit they deserve based on the substance of their arguments. *See Hall v. Bellman*, 935 F.2d 1106, 1110 (10th Cir. 1991). Moreover, Plaintiffs failed to file an Objection to Judge Furse's Report and Recommendation within the permitted timeframe.<sup>1</sup>

Accordingly, and upon a *de novo* review of the Judge Furse's findings, the court APPROVES AND ADOPTS Judge Furse's Report and Recommendation (Dkt. No. 38) in its entirety, including both the primary and alternative grounds for dismissing Plaintiffs' claims, for the reasons stated in the Report and Recommendation. This case is therefore closed.

SO ORDERED this 20th day of April, 2015.

BY THE COURT:

  
Clark Waddoups  
United States District Judge

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<sup>1</sup> The court notes that Plaintiffs' Motion to Submit for Decision (Dkt. No. 39) could potentially be considered an Objection to the Report and Recommendation given the apparently substantive nature of its content; however, it was filed outside of the statutory 14 day period for filing.